

Mar. 15. 2002 10:30AM

FRISHAUF & PARTNERS

No. 8192 P. 1/9

From: HOLTZ

Attorney Docket No. 01658/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): S. HASEGAWA
Serial No. : 09/981,207
Filed : October 17, 2001
For : IDENTIFYING APPARATUS,
APPARATUS TO BE IDENTIFIED...
Examiner :

**PETITION TO ACCEPT PAGES 3, 12 AND 32 OF
SPECIFICATION AS OF FILING DATE OF
ACCURATE ENGLISH TRANSLATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Att: Application Branch

S I R :

RECEIVED

JUN 25 2002

OFFICE OF PETITIONS

Applicant hereby petitions for acceptance of pages 3, 12 and 32 of the Accurate English translation of the specification (copies of pages 3, 12 and 32 attached) as of January 7, 2002, the date the complete Accurate English translation of the application was received in the USPTO (it was timely forwarded to the USPTO on December 13, 2001 with a certificate of mailing), thereby maintaining the original filing date of October 17, 2001.

Please charge any required Petition fee of \$130.00 to Account No. 06-1378. Authorization is given to charge any additional fees which may be required to said Account No. 06-1378. However, since the allegedly missing pages of the specification (pages 3, 12, 32) were originally mailed with the Accurate English translation on December 13, 2001 and received in

CERTIFICATE OF FACSIMILE
TRANSMISSION TO

NO. 1-703-308-7751

TOTAL PAGES: 9 pages in total

I hereby certify this paper is being facsimile transmitted to the Assistant Commissioner for Patents on the date noted below.

Attorney: Leonard Holtz

Dated: March 15, 2002

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee to Account No. 06-1378.

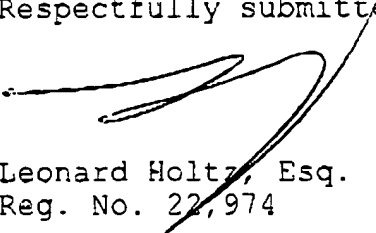
the Patent Office on January 7, 2002, as evidenced by the attached Declaration of Sharon Portnoy, it is respectfully submitted that no Petition fee should be required.

In the event that any extensions of time are required for timely submission of pages 3, 12 and 32, please consider this paper as a Petition for a two-month extension of time for responding to the original NOTICE mailed November 16, 2001, and charge any required extension fees (the two-month extension fee) to Account No. 06-1378.

It is respectfully submitted that pages 3, 12 and 32 of the Accurate English translation of the specification, which the Patent Office alleges are missing (see NOTICE dated March 9, 2002 - copy attached,) were in fact filed in the U.S. Patent and Trademark Office on January 7, 2002 with the Accurate English translation and were apparently lost or otherwise misplaced by Patent Office personnel during handling of the application in the Patent Office.

Favorable action on this Petition to accept pages 3, 12 and 32 as being timely filed on January 7, 2002 is respectfully requested.

Respectfully submitted,



Leonard Holtz, Esq.
Reg. No. 22,974

Frishauf, Holtz, Goodman, Langer & Chick, P.C.
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Attorney Docket No. 01658/LH**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): S. HASEGAWA

Serial No. : 09/981,207

Filed : October 17, 2001

For : IDENTIFYING APPARATUS,
APPARATUS TO BE IDENTIFIED...

Examiner :

DECLARATION OF SHARON PORTNOYAssistant Commissioner for Patents
Washington, D.C. 20231Att: Application Branch

S I R :

RECEIVED**JUN 25 2002****OFFICE OF PETITIONS**

I, Sharon Portnoy, declare that:

1. I am the secretary to Leonard Holtz, the attorney responsible for the present application.
2. The present application was filed in the Japanese language on October 17, 2001.
3. On December 13, 2001, the Accurate English translation of the above-identified application was received from our client in duplicate (the pages of each copy of the Accurate English translation being stapled together).
4. I personally reviewed both sets of documents (Accurate English translation). As is my routine, I first counted the pages of the original stapled-together copy of the Accurate English translation and all 34 pages (including pages 3, 12 and 32) were included. I then counted the pages of the second stapled-together copy of the Accurate English translation which is stamped "COPY" and all 34 pages (including pages 3, 12 and 32) were included.

CERTIFICATE OF FACSIMILE
TRANSMISSION TO

NO. 1-703-308-7751

TOTAL PAGES: 9 pages in total

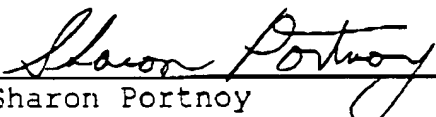
I hereby certify this paper is being
facsimile transmitted to the Assistant
Commissioner for Patents on the date
noted below.

Attorney: Leonard Holtz

Dated: March 15, 2002In the event that this Paper
is late filed, and the
necessary petition for
extension of time is not filed
concurrently herewith, please
consider this as a Petition
for the requisite extension of
time, and to the extent not
tendered by check attached
hereto, authorization to
charge the extension fee to
Account No. 06-1378.

5. In order to minimize clerical errors, it our policy not to unstaple the original copy. The pages of the original of the Accurate English translation were always stapled together before and after the pages of each set were counted (see item 4 above).
6. The entire specification (34 pages stapled together), including pages 3, 12 and 32, was sent to the Patent Office on December 13, 2001 (with a certificate of mailing) in response to the PTO NOTICE mailed November 16, 2002.
7. On March 14, 2002, I spoke with Ms. Joyce Riley of the USPTO, and she informed me that the pages of the Accurate English translation in the Patent Office file are not stapled together. This leads me to believe that the Patent Office lost or otherwise misplaced pages 3, 12 and 32 of the application during handling of the Accurate English translation in the Patent Office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Sharon Portnoy
10 East End Avenue
New York, New York 10021



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/981,207	10/17/2001	Satoshi Hasegawa	01658/LH

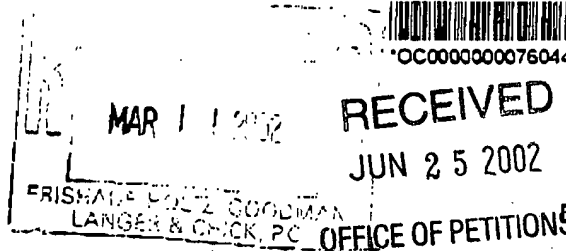
CONFIRMATION NO. 5772

01933
FRISHAUF, HOLTZ, GOODMAN &
LANGER & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

FORMALITIES LETTER



OC000000007604483



Date Mailed: 03/08/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 3, 12 & 32 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Mar. 15, 2002 10:31AM

FRISHAUF & PARTNERS

No. 8192 P. 6/9
From: HOLTZ² of 2

*A copy of this notice **MUST** be returned with the reply.*

Shirley Green

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE